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From-HENKEL CORPORATION PATENT DEPT,

6102786548

T-507 P.01/07 F-174

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TO:  
Name: Commissioner for Patents

Location: Washington, DC

Fax No.: 703-872-9311

DATE: October 9, 2003

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Docket No. M 6817 HADH

SN: 09/891,568

Art Unit: 1771

Confirmation No. 1960

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Enclosure:

1. Response - 6 pages

PATENT  
Case M 6817 HADH

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

Application of  
Sobonya et al.

Confirmation No. 1960

Serial No. 09/891,568

Examiner: U. C. Ruddock

Filed: June 26, 2001

Art Unit: 1771

Confirmation No. 1960

TITLE: COMPOSITE SHEET MATERIAL

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RESPONSEMail Stop AF  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Official Action of July 16, 2003, Applicants respectfully request that the application be reconsidered in light the following discussion.

Before discussing the rejections over the prior art, Applicants deem it prudent to set forth what they consider to be their invention. As presently claimed, the invention is a composite sheet product comprising a scrim embedded in a continuous coating of a foamed resin

The scrim is embedded in (impregnated with) a continuous layer of a foamed resin (page 2 lines 7-9). As defined in NEW COLLEGE EDITION, THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, Houghton Mifflin Company (1981), page 425, the term embedded is defined as 1. To fix firmly in a surrounding mass; 2. To enclose snugly or firmly; 3. To fix in the memory. As claimed, the scrim is enclosed in a continuous layer of foamed resin (embedded). The entire sheet of scrim is enclosed or embedded not just the individual fibers. The structure is shown in the drawings. The continuous layer of foamed resin covers (coats) at least both surfaces of the scrim (page 2 line 10).

The coating is continuous. The term continuous has its ordinary meaning that the coating extends without interruption. (See page 288; 289 of NEW COLLEGE EDITION THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE, Houghton Mifflin, 1981, copy enclosed) As described in the specification (see page 2 lines 11, 12; page 4 lines 12-14) there are no openings

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which extend from one surface to the opposite surface of the composite sheet.

The composite sheet of the invention can have printed or decorative sheets laminated to one or both surfaces. However, any additional layers of material must be adhered to the basic composite sheet which comprises a scrim embedded in (impregnated with) a continuous coating of a foamed resin. The composite sheet does not have openings which extend from one surface to the opposite surface.

Within the limitations of the English language, applicants have used terms such as "embedded in" which means to fix in a surrounding mass. This term indicates that the foamed resin covers at least both surfaces of the scrim (see page 2 line 10). The meaning of the term is further reinforced by the description of the production method which requires applying the resin to the scrim and foaming the resin applied to the scrim.

It is clear that the scrim is coated by the use of the term "continuous coating". The term "coating" has the common meaning that is an uninterrupted covering layer is present over the scrim so that the scrim becomes embedded in the coating and at least both surfaces of the scrim are covered.

The coating is continuous which means uninterrupted and that there are no pores which extend from a first surface to an opposite surface of the sheet product. The term refers to the entire sheet product which is covered by the foam.

The foamed resin covers at least both surfaces of the scrim and there are no openings which extend from a first surface to an opposite surface. At page 3, lines 18-22, the specification teaches:

"The weave of the scrim must be close enough that when the scrim is impregnated with the foamable resin composition before foaming, the composition can penetrate into the weave and fill the spaces between the warp and woof strands so that when the impregnated composition is foamed no open pores extend from one surface of the sheet material to the opposite surface."

With the definition of the terms "embedded, coating and continuous" as used in the claims and defined and described in the specification, it is clear that the invention as claimed is a composite sheet comprising scrim coated on at least both surfaces with an uninterrupted (continuous) coating of the foamed resin so that there are no openings which extend from one surface to an opposite surface of the composite sheet. As stated at page 2 lines 12, 13, the scrim is preferably completely covered by or enclosed in the foamed resin.

The prior art will be discussed in relation to the claimed invention which comprises a sheet

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product which comprises a scrim coated with a continuous coating on at least both surfaces which coating does not have openings which extend from one surface to an opposite surface.

The prior art has been discussed in great detail in the response dated November 19, 2002, the contents of the response dated November 19, 2002 is incorporated herein by reference and will be amplified where necessary

Claims 1-5, 7, 9-12, 14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawley (U.S. 5,854,144) in view of Owen (U.S. 5,863,845 and 5,874,371). The Examiner states that the term "continuous coating of foamed resin" will be interpreted as defined on page 4 lines 12-14. In relying on the term "continuous coating of foamed resin" the Examiner appears to be ignoring the limitations that the scrim is "embedded" in a continuous layer of foamed resin which as discussed in the specification at page 2 line 10 means that the foamed resin covers at least both surfaces of the scrim and that the foamed resin does not have pores which extend from a first side of the sheet to a second side of the sheet. The scrim is preferably completely covered or enclosed in the foamed resin (page 2 lines 12, 13).

Hawley is not pertinent to the present invention since Hawley does not disclose a scrim having both surfaces coated with a foamed resin. Hawley discloses at col. 2, lines 25-29 a laminate product comprised of a thin non-woven fiber sheet (scrim) having a continuous foam layer laminated on one side and a thin continuous smooth surface top sheet layer laminated on the other side. There is no teaching or suggestion that the fiber sheet be embedded in or covered on both surfaces with a foamed layer.

The deficiencies in Hawley are not cured by combination with Owen. Owen discloses a substrate which appears to be a scrim, wherein at least the bottom surface of the individual filaments or yarn of the substrate are coated with a cured but not foamed polyvinyl chloride resin. The substrate (scrim) as a whole, is not covered by the non-foamed resin. Only the individual filaments or yarns which form the scrim are covered with the resin. There are major openings or pores which extend from one surface to the opposite surface of the sheet. There is no teaching or suggestion to foam the resin or make the coating continuous to cover the entire scrim surface.

Since there is neither teaching nor suggestion in the combination of Hawley with Owen of a composite sheet comprising a scrim embedded in a foamed resin which does not have openings which extend from one surface of the sheet to an opposite surface, Applicants respectfully submit that a rejection of the claims under 35 U.S.C. 103(a) over the combination of Hawley with Owens is

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untenable and respectfully request that the rejection be reconsidered and withdrawn

Claims 6, 8, 13 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hawley (US 5,854,144) and Owen (U.S. 5,863,845 and 5,874,371) as applied to claims 1 to 5 and further in view of McDermott, III, et al. (U.S. 5,120,587). Applicants respectfully submit that Hawley, Owen and McDermott, III, et al. whether considered alone or in combination neither teach nor suggest the present invention.

McDermott, III, et al. does not cure the deficiencies in Hawley and Owen since the reference discloses a particular type of scrim having a discontinuous coating of a foamed resin. The coating is not continuous in that the coatings have openings or pores which extend from one surface of the scrim to an opposite surface of the scrim through the foamed resin or coating. In addition, McDermott, III, et al. requires that the material be coated with a pressures sensitive adhesive to prevent movement of the structure on a horizontal surface. Applicants respectfully submit that a rejection of claims 6, 8, 13 and 16 under 35 U.S.C. 103(a) over Hawley and Owen in view of McDermott, III et al. is untenable and Applicants respectfully request that the rejection be reconsidered and withdrawn.

#### Response to Arguments

The Examiner states:

"Applicant argues that Hawley disclosed a laminate sheet structure rather than a composite sheet structure. This argument is not persuasive because the structure of the present invention and the structure of Hawley's invention are the same."

Applicants respectfully request that the Examiner reconsider the analysis of the Hawley reference. Applicants submit that Hawley discloses a scrim having laminated to only one surface, a sheet of foamed resin. As set forth in the specification and the claims, the composite sheet of the present invention comprises a scrim embedded in a continuous coating of a foamed resin. The specification defines embedded as the scrim being coated with a layer of the foamed resin on at least both surfaces. Applicants respectfully submit that Hawley is not pertinent to the present invention.

At page 5, the Examiner states:

"Applicant also argues that the scrim of Hawley is not completely embedded in the foam so that the foam covers both the top and bottom surfaces of the scrim. This argument is not commensurate in scope with the claim because the present claims do not require that both the top and bottom surfaces of the scrim be completely embedded and covered by the

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foam.

Applicants invite the Examiner's attention to the specification at page 2 lines 7-13 which clearly teaches that the term embedded means that the foamed resin covers at least both surfaces of the sheet of scrim material.

At page 5 the Examiner states:

"Applicant also argues that Hawley's structure requires that a continuous sheet be laminated to one surface of the fabric or scrim to form a continuous decorative surface. This argument is also not persuasive because the present claim cannot preclude a continuous sheet being laminated to a surface of the fabric."

Applicants respectfully request that the Examiner reconsider the invention as presently claimed in the application. Applicants claim a structure comprising a scrim embedded in a continuous coating of a foamed resin. As defined in the specification, embedded means that at least both surfaces of the scrim are coated with a continuous layer of the foamed resin. Applicants submit that it would be possible to laminate a decorative layer to a surface of the composite sheet of the present invention. However, the composite sheet to which the decorative layer was laminated would be the structure of the present invention which is a scrim embedded in the foamed resin. As set forth in the specification at page 2, the term embedded means that the foamed resin continuously covers both surfaces of the scrim.

In regard to the McDermott, III, et al. reference, the structure is so different from the structure as claimed in the present application, that application of the structure to structures shown in Hawley and Owen would not lead one skilled in the art to the structure of the present invention.

In formulating the rejection, the Examiner has apparently failed to consider the terms in the claims other than "continuous coating of the foamed resin". Applicants invite the Examiner's attention to the specification beginning at page 2 line 19 which states:

"The composite sheet material has particular utility as a covering to protect and/or improve the appearance of a horizontal surface (e.g., a shelf or drawer liner). The top surface of the composite sheet material is preferably water impervious and may be readily wiped clean of dirt and other undesirable residues. Additionally, the horizontal surface is protected against water and the accumulation of crumbs and other debris, due to the complete lack of open pores. Further, the foamed character of the composite sheet material provides a cushioning effect when objects are placed on it."

Applicants respectfully submit that the term "pores" as used in the specification and claims clearly means that there are no openings of any size which extend from one surface of the

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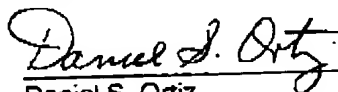
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composite sheet to the opposite surface. This also means that both surfaces of the scrim are coated with the foamed resin

In view of the above discussion, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Respectfully submitted,



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